

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RICKY MALONE

v.

UNITED STATES OF AMERICA

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: CIVIL NO. CCB-16-2437  
: Criminal No. CCB-13-0350  
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**MEMORANDUM**

Federal prison inmate Ricky Malone has filed a motion to vacate under 18 U.S.C. § 2255 seeking relief under *Johnson v. United States*, 135 S. Ct. 2551 (2015). Because his career offender status was based on prior qualifying serious drug offenses, rather than crimes of violence, Malone is not entitled to relief under *Johnson*.<sup>1</sup>

Malone was sentenced on May 21, 2014. The other claims raised in his motion accordingly are time-barred. His petition will be denied by separate Order which follows.

December 12, 2016  
Date

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/S/  
Catherine C. Blake  
United States District Judge

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<sup>1</sup> Malone's sentence of 120 months was below the guideline range.